

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 20, 2007
POSITION: Oppose unless amended

BILL NUMBER: SB 168
AUTHOR: J. Denham

BILL SUMMARY: Physical Education for the Visually Impaired

This bill would require the Superintendent of Public Instruction to essentially form an advisory task force to develop physical education guidelines as a resource for teachers of visually impaired pupils, and to report to the state by June 30, 2009. While the bill directs the Superintendent to use an existing task force to develop standards for the mastery of the Braille code, it also permits him to modify the makeup of the committee to include experts in physical education and related instruction to the visually impaired.

FISCAL SUMMARY

Finance estimates the cost of administering the task force and reporting to be \$250,000 General Fund, based on staffing and administrative expenses for conducting a few public meetings (the bill does not specify how many meetings should be held, but it does state that the members would be volunteers), and developing a report. In addition, the bill would likely result in potential increased Proposition 98 cost pressure in the millions of dollars to implement guidelines in all districts. However, we note that schools would not be required to implement the guidelines. Therefore, this bill would not create a reimbursable state mandate.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the March 21 version are minor and do not alter our position. These amendments:

- Clarify that the task force members are volunteers.
- Allow the Superintendent to revise the membership of the current Braille code mastery task force to include individuals with expertise in physical education and related instruction to the visually impaired.

COMMENTS

While the Administration supports increased physical activity for all pupils, Finance opposes this bill unless amended, for the following reasons:

- Because the bill does not provide the State Board of Education sufficient oversight over the guidelines developed pursuant to this bill, these guidelines may conflict with efforts by the State Board of Education appointed Physical Education Curriculum Framework and Criteria Committee, which is currently updating the physical education curriculum for all students to comply with federal regulations.
- By requiring a large task force and by requiring the task force to prepare a public report, this bill would result in non-Proposition 98 General Fund costs of \$250,000 that could otherwise be avoided.

Analyst/Principal (0332) M. Aguilera	Date	Program Budget Manager Jeannie Oropeza	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

J. Denham

June 20, 2007

SB 168

Current high school graduation requirements include two courses of physical education, unless students receive an exemption for cause. It also requires that students in grades 1-6 have at least 200 minutes of physical education in every 10 schooldays and at least 400 minutes in grades 7-12. Lastly, individualized education plans for visually impaired pupils, or any other pupils with special needs, include specific instruction and services necessary, including physical education.

Under current practice, schools may follow existing general physical education guidelines to the extent practicable and modify activities appropriately for particular individual circumstances based on the pupil's individualized education plan. Direct physical education for visually impaired pupils is also provided by a specialist in adapted physical education.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2007-2008	FC	2008-2009	FC	2009-2010	Code
6110/Dept of Educ	SO	No	C	\$250		--		--	0001
6110/Dept of Educ	LA	Yes		Proposition 98 Pressure in Millions					0001

Suggested Amendments
SB 168 (As amended June 20, 2007)

SECTION 1. ~~—(a) It is the intent of the Legislature for functionally blind and visually impaired pupils to have full and equal access to the physical education that is part of the course of study requirements meant for all pupils.~~

~~—(b) (1) It is also the intent of the Legislature for teachers of functionally blind and visually impaired pupils to have a resource in the form of guidelines that include teaching strategies and methods to ensure that the Physical Education Model Content Standards for California Public Schools adopted by the State Board of Education can be taught effectively. The guidelines also are intended to include best practices of accommodation, adaptation, and modification of physical education activities, so that functionally blind and visually impaired pupils can be included in all physical education that is part of the course of study requirements meant for all pupils.~~

~~—(2) The guidelines are intended to be directed toward classroom teachers, general physical education teachers, and school administrators.~~

SEC. 2. Section 56351.7 of the Education Code is amended to read:

56351.7. (a) The Superintendent shall form an advisory task force to develop standards for the mastery of the braille code as a child progresses through kindergarten to grade 12, inclusive.

(b) The task force shall include, but shall not be limited to, members approved by the state board representing all of the following:

- (1) Parents of visually impaired pupils.
- (2) Teachers of visually impaired pupils.
- (3) Researchers in the field of visual impairment.
- (4) Braille experts.
- (5) School Administrators

~~—(5) Groups that advocate for the teaching of, and use of, braille.~~

~~—(6) Groups that advocate for the visually impaired.~~

(c) Any costs associated with the task force shall be funded from existing resources.

~~(e d)~~ The task force shall be composed of no more than ~~45~~ 9 members.

~~(d e)~~ Participation of task force members in the task force is voluntary.

(e f) The Superintendent may revise the membership of the task force, subject to approval by the state board, to include individuals with expertise in physical education and in providing physical education instruction and services to functionally blind and visually impaired pupils.

SEC. 3 2. Section 56351.10 is added to the Education Code, to read:

56351.10. (a) The Superintendent shall utilize the advisory task force established pursuant to Section 56351.7 to make recommendations on the development of model guidelines, subject to approval by the state board, that may be used as a resource for teachers of functionally blind and visually impaired pupils in the area of physical education. The model guidelines shall be consistent with the revised 2008 physical education framework adopted by the state board.

(b) By June 30, 2009, the ~~task force~~ Superintendent shall report on the model guidelines that are developed ~~it develops~~ pursuant to subdivision (a) to the ~~Superintendent, the~~ Governor, the Secretary of Education, state board, and the education committees of the Senate and the Assembly.